

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Karthikeyan Sakthivel, <i>et al.</i> ,)	Civil Action No.: 3:18-cv-03194-CMC
)	
Plaintiffs,)	
)	
v.)	
)	
L. Francis Cissna, Director, United States)	
Citizenship and Immigration Services,)	
)	
Defendant.)	
)	

SECOND AMENDED COMPLAINT

Plaintiffs now file their second amended complaint as of right under Federal Rule of Civil Procedure 15(a)(1)(B) and allege as follows:

PARTIES

1. Karthikeyan Sakthivel is a citizen and national of India. He resides in Columbia, South Carolina, in Richland County.
2. Azmathulla Mohammed is a citizen and national of India. He resides in Richmond, Virginia.
3. Aravind Babu Kadiyala is a citizen and national of India. He resides in Des Moines, Iowa.
4. Biswajit Mohapatra is a citizen and national of India. He resides in Schaumburg, Illinois.
5. Venkata Sita Ramaanjaneyul Basati is a citizen and national of India. He resides in Ashburn, Virginia.
6. Rajendra Sharma is a citizen and national of India. He resides in Baltimore, Maryland.
7. Srinivasa Rao Madugula is a citizen and national of India. He resides in Maryland.
8. Mujeeb Mohammed is a citizen and national of India. He resides in Fort Wayne, Indiana.

9. Ashok Kumar Jayakumar is a citizen and national of India. He resides in Washington.
10. Divya Bathula is a citizen and national of India. She resides in Virginia.
11. Chetan Joshi is a citizen and national of India. He resides in Arizona.
12. Sreenisarga Gadde is a citizen and national of India. She resides in Tennessee.
13. Sri Lakshmi Alluri is a citizen and national of India. She resides in Maryland.
14. Arpit Khuraswar is a citizen and national of India. He resides in New York.
15. Rahul Patil is a citizen and national of India. He resides in Connecticut.
16. Mamta Gupta is a citizen and national of India. She resides in Connecticut.
17. Venkata Satya Vishnu Vardhan Parcha is a citizen and national of India. He resides in Texas.
18. Defendant L. Francis Cissna is the director of the United States Citizenship and Immigration Services. In this position, he is charged with administering, granting, and revoking Cap H1B Visas.

JURISDICTION AND VENUE

19. This Court has jurisdiction over this case under 28 U.S.C. 1331.
20. It has jurisdiction to provide declaratory relief under 28 U.S.C. 2201 and set aside or compel a final agency action under 5 U.S.C. 706.
21. It also has jurisdiction to award reasonable attorney's fees and costs under the Equal Access to Justice Act.
22. Plaintiffs are within the zone of interest of protected by the Immigration and Nationality Act and the Administrative Procedure Act. *See Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 129 (2014);
23. Courts routinely find that beneficiaries have standing to challenge adverse agency

actions, regardless of whether the petitioner is part of the suit. *See, e.g., Taneja v. Smith*, 795 F.2d 355 (4th Cir. 1986); *Matushkina v. Nielsen*, 877 F.3d 289, 293 (7th Cir 2017); *Mantena v. Johnson*, 809 F.3d 721, 732 (2nd Cir. 2015); *Kurapati v. United States Bureau of Citizenship & Immigration Servs.*, 775 F.3d 1255, 1261 (11th Cir. 2014); *Patel v. United States Citizenship & Immigration Servs.*, 732 F.3d 633, 638 (6th Cir. 2013); *Ruiz v. Mukasey*, 552 F.3d 269 (2d Cir. 2009); *Next Generation Tech., Inc. v. Johnson*, 328 F. Supp. 3d 252, 264 (S.D.N.Y. 2017); *Elgamal v. Bernacke*, 2016 U.S. Dist. LEXIS 91560 (D. AZ 2016), *Tenrec, Inc. v. United States Citizenship & Immigrations Servs.*, 2016 U.S. Dist. LEXIS 129638, *19 (D. Oregon 2016); *Maldonado v. Holder*, No. 3:13-CV-492 JBA, 2015 WL 1097364, at *4 (D. Conn. Mar. 11, 2015); *Koffi v. Holder*, No. 3:09CV2102 (VLB), 2011 WL 2896049, at *1 (D. Conn. July 18, 2011); *Sofiane v. Dep. of Homeland Sec.*, No. 3:09–CV–01860 (JCH), 2010 WL 1882267, at *1 (D. Conn. May 10, 2010).

24. Plaintiffs have exhausted all administrative remedies. No statute or regulation requires an administrative challenge to the revocation of an H1B.
25. Venue is proper in the District of South Carolina because Plaintiff Karthikeyan Sakthivel resides in the District of South Carolina and The Agency does business in the District of South Carolina. Under 28 U.S.C. 1391(e), venue is proper in any judicial district in which any plaintiff resides if no real property is involved.
26. This division is proper because Plaintiff Karthikeyan Sakthivel resides in Richland County, South Carolina.

FACTS

EcomNets Defrauds Plaintiffs and United States

27. Plaintiffs are the victims of immigration fraud by EcomNets and its sister companies,

- including Unified Systems, Inc., United Software Solutions, Inc., and Data Systems, Inc.
28. In an attempt to defraud the United States and Plaintiffs, between 2010 and 2016, EcomNets or its sister companies applied for visas for each Plaintiff under 8 U.S.C. § 1101(a)(15)(H) (“Cap H1B Visa”).
29. Cap H1B Visas are available to foreign nationals entering the United States to work in a “specialty occupation.” *See* 8 U.S.C. 1101(a)(15)(H).
30. Generally, a specialty occupation is a job that requires a bachelor’s degree or its equivalent in a specific field of study. *See* 8 U.S.C. 1184(h).
31. To apply for a Cap H1B Visa on behalf of a potential employee, employers must first file a labor condition application with the U.S. Department of Labor. In this application, the employer must represent the worksite location and the Labor Department certifies a particular wage for a particular job in a particular geographical location. *See Raju v. United States*, No. 15-cv-105, 2016 WL 830992, at *1 (W.D.N.C. 2016).
32. The wages vary from county to county.
33. In its efforts to defraud the United States government and Plaintiffs, *inter alia*, EcomNets and its sister companies filed labor condition applications identifying a work site location for Plaintiffs where the wage would be very low. But when the beneficiaries arrived in the United States or started working for EcomNets, EcomNets would place the workers at locations that would demand much higher wages.
34. In this way, EcomNets would pay the Plaintiffs significantly lower wages than required by the locations that EcomNets would place the Plaintiffs for work.
35. By charging third parties wages commensurate with the locality, but paying the Plaintiffs wages commensurate with rural Virginia, EcomNets was able to profit significantly.
36. The owners of EcomNets were indicted for their scheme. And EcomNets and its sister

companies were shut down with the government's knowledge in 2016.

- 37. The EcomNets guilty plea does not identify any of the Plaintiffs as co-conspirators.
- 38. The EcomNets guilty plea does not claim that it provided Plaintiffs false information to respond to inquiries from consular officers of the Department of State.
- 39. The EcomNets guilty plea does not claim that it "coached" any of the Plaintiffs.
- 40. The EcomNets guilty plea does not claim that it instructed any Plaintiffs to falsify their resumes or manipulate their personal information to match a period of eligibility.
- 41. Plaintiffs were not involved in the drafting of any "statement of facts" that were associated with their petitions.
- 42. Upon information and belief, the Agency did not and cannot meaningfully restore an H1B visa number to a fiscal year visa pool when visas granted during that fiscal year are now complete.
- 43. Upon information and belief, the Agency did not restore any of the visas it revoked based on EcomNets' indictment because it cannot restore visas that would be immediately expired and no other petitioners could take advantage of such visa number.
- 44. All of the Plaintiffs moved on in lawful ways to different, legitimate employers.

Cap H1Bs, I-140s, & AC21

- 45. Cap H1B Visas are available for foreign nationals who will work in the United States in a specialty occupation. 8 U.S.C. § 1101(a)(15)(H).
- 46. A specialty occupation is, essentially, a job that requires a college degree in a specific field. *See* 8 U.S.C. § 1184(i).
- 47. For each fiscal year, congress allots only 65,000 Cap H1B Visas for foreign nationals

with a college degree. *See* 8 U.S.C. § 1184(g)(1)(A)(vii). It allots an additional 20,000 Cap H1B Visas for applicants with master's degrees or higher. This pool of 85,000 Cap H1B Visas comprises "Cap H1B Visas."

48. Though there are cap-exempt Cap H1B Visas available to employees of public universities and some non-profit entities, those exceptions do not apply here.
49. Every fiscal year employers seek far more than 85,000 Cap H1B Visas. Often, employers seek 200,000 Cap H1B Visas a year.
50. As such, the Agency conducts a lottery each year to determine who gets that Fiscal Year's allotment of Cap H1B Visas.
51. If an employer's petition is chosen and the Agency later grants the Cap H1B Visas, a beneficiary can acquire Cap H1B Visa status, generally, for up to 6 years. *See* 8 C.F.R. § 214.2(h)(15(ii)(B) ("The alien's total period of stay may not exceed six years."); 8 U.S.C. § 1184(g)(4).
52. This temporal limitation wreaked havoc on employers because it, essentially, limited the tenure of highly skilled workers to six years.
53. However, in 2002, congress passed the American Competitiveness in the Twenty-first Century Act of 2000 ("AC21"), Public Law 106-313, 114 Stat. 1251, as amended by the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107-273, 116 Stat. 1758 Stat Printed Page 82400 (2002).
54. Congress intended AC21 to "improve economic growth and job creation by immediately increasing U.S. access to high-skilled workers." Final Rule, Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers, 81 Fed. Reg. 82398, 82409 (Nov. 18, 2016).
55. One such provision sought to increase employers' continuous access to high tech workers

from countries with long waits for immigrant visas. *Id.* Prior to AC21, employers would hire foreign national workers, sponsor their Cap H1B Visas, and then sponsor an immigrant visa for the same worker. However, after six years in H1B status, the worker would have to leave the United States to wait for the immigrant visa to be available. This wait could be years long. Thus, employers would lose highly skilled, experienced employees for years while the workers returned home after six years in Cap H1B Visa status.

56. This problem effected Chinese and Indian nationals primarily. *Id.* (“This provision recognized “the discriminatory effects of [the per country limitations] on nationals from certain Asian Pacific nations,” specifically Chinese and Indian nationals, which “prevent[ed] an employer from hiring or sponsoring someone permanently simply because he or she is Chinese or Indian, even though the individual meets all other legal criteria.”)

57. To fix this problem, AC21 mandated one-year extensions for Cap H1B Visa holders with approved immigrant visa petitions who were waiting for visas to become available:

AC21 also sought to more generally ameliorate the impact of the lack of employment-based immigrant visas on the high-skilled beneficiaries of approved Form I-140 petitions. Sections 106(a) and (b) of AC21, as amended by section 11030A of the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107-273 (2002), authorized the extension of H-1B status beyond the statutory 6-year maximum for H-1B nonimmigrant workers who are being sponsored for LPR status by U.S. employers and are subject to lengthy adjudication or processing delays. Specifically, these provisions exempted H-1B nonimmigrant workers from the 6-year limitation on H-1B status contained in INA 214(g)(4), if 365 days or more have elapsed since the filing of a labor certification application (if such certification is required under INA 212(a)(5), 8 U.S.C. 1182(a)(5)), or a Form I-140 petition under INA 203(b), 8 U.S.C. 1153(b). These provisions were intended to allow such high-skilled individuals to remain in the United States as H-1B nonimmigrant workers, rather than being forced to leave the country and disrupt their employers due to a long-pending labor certification application or Form I-140 petition. *See* S. Rep. 260, at 23.

Id.

58. AC21 also improved a Cap H1B Visa holder's ability to change employers but while maintaining Cap H1B Visa status and "porting" an approved immigrant visa to a new employer. *Id.*; see AC21 § 104(c), P.L. 106-313, 114 Stat. 1253 (Oct. 17, 2000).
59. In light of the long backlogs for immigrant visas, based on the AC21 extensions, it is common for nationals of certain countries to be in Cap H1B Visa Status for years. It is equally common for Cap H1B Visa holders to change employers during this lengthy process.
60. EcomNets or one of its affiliates successfully petitioned for the initial Cap H1B Visa for each Plaintiff in this case. But every Plaintiff lawfully transferred away from EcomNets or its affiliates to a new employer. Each Plaintiff has a unique immigration history. But each Plaintiff relies on the initial Cap H1B Visa to take advantage of the extension, transfer, and portability provision of law that require the initial receipt of a *Cap* H1B Visa.
61. Various statutes and regulations in this H1B and immigrant visa paradigm protect the visa beneficiaries.
62. First, generally, the Immigration and Nationality Act contains an entire provision prohibiting unfair immigration related employment practices. *See* 8 U.S.C. § 1324b. These protections specifically protect non-immigrant workers from unfair labor practices of employers.
63. Second, Department of Labor regulations specifically protect H1B workers from unlawful employment practices. *See* 8 C.F.R. § 655.700 *et seq.*
64. Each employer must make certain attestations about the wage it will pay the H1B worker, the working conditions of the employee, and the position offered to the employee. *Id.*

65. If an H1B employer violates these attestations, an H1B worker may file a complaint against the employer. 8 C.F.R. § 655.715(d).
66. Third, in an effort to increase H1B worker portability, 8 U.S.C. § 1184(n) allows workers to begin working for a new employer upon the mere filing of a new H1B visa application, rather than its approval. This allows H1B workers to seek career advancement within their field and protects them from abusive employers.
67. Fifth, 8 U.S.C. § 1184(n)(2)(C)(vii) guarantees H1B workers their prevailing wage, regardless of whether the workers are in a productive or non-productive status. This protects employees from employers “benching” them.
68. Finally, for H1B workers with approved immigrant visas that are not currently available, the Immigration and Nationality Act mandates extensions indefinitely of H1B status while they await the immigrant visa; this benefit also allows the worker to change employers, regardless of the identity of the petitioning employer. This again increases portability for the worker and protects them from abusive employers. 8 C.F.R. §§ 214.2(h)(13)(iii)(D) - (E).

1: Plaintiff Karthikeyan Sakthivel

69. Plaintiff Karthikeyan Sakthivel initially acquired a Cap H1B Visa through Data Systems, Inc.—an EcomNets entity—in 2014. That Cap H1B Visa was valid October 1, 2014 through September 30, 2015.
70. Karthikeyan Sakthivel was unaware of any fraud or misstatements related to the petition that Data Systems, Inc. filed on his behalf. In fact, Karthikeyan Sakthivel worked for Data Systems, Inc. in Danville, Virginia for only a few months before a new employer field on his behalf.
71. On February 11, 2015, a new employer petitioned for a transfer Cap H1B Visa for

Karthikeyan Sakthivel. The Agency granted this petition.

72. On September 10, 2015, the Agency approved Karthikeyan Sakthivel's new employer's extension petition on behalf of Karthikeyan Sakthivel.
73. On May 17, 2016, the Agency approved an immigrant visa on behalf of Karthikeyan Sakthivel which was filed by his new employer.
74. On August 1, 2017, a second new employer filed for a Cap H1B Visa transfer on behalf of Karthikeyan Sakthivel. This application remains pending.
75. According the Agency's online case status website, on June 19, 2018, the Agency mailed Data Systems Inc. a revocation of Karthikeyan Sakthivel's initial Cap H1B Visa.
76. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Data Systems, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
77. It did not mail a notice of intent to revoke to anyone.
78. On July 3, 2018, the Post Office returned the revocation to the Agency because the Post Office could not deliver it.
79. The Agency did not send a copy of the revocation to Karthikeyan Sakthivel or to his current employer.
80. Upon information and belief, the revocation purports to require Karthikeyan Sakthivel to leave the United States within 30 days of its receipt.
81. Upon information and belief, the Agency will now deny Karthikeyan Sakthivel's pending Cap H1B Visa petitions based on this revocation.
82. Karthikeyan Sakthivel received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
83. The Agency is aware of Karthikeyan Sakthivel's current address.

84. The Agency is aware of Karthikeyan Sakthivel's current employer's current address.
85. Karthikeyan Sakthivel is married and has two children born in the United States.
86. His oldest daughter is in first grade at Lexington Elementary School.
87. He has been in the United States for over five years.
88. Because of the Agency's revocation, he is unable to travel internationally.
89. If Karthikeyan Sakthivel is required to leave the United States, his child's education will be interrupted.
90. Karthikeyan Sakthivel currently rents an apartment in South Carolina and if he is forced to leave the United States he will have to pay a penalty to the landlord.
91. Karthikeyan Sakthivel has struggled with depression since learning about the revocation issue.
92. All such harm is irreparable.
93. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
94. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

2: Plaintiff Azmathulla Mohammed

95. Plaintiff Azmathulla Mohammed initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—on October 1, 2011. That Cap H1B Visa was valid from October 1, 2011 through September 23, 2014. Unified Systems filed an amendment to the H1B in 2012, which was approved. The amendment did not impact the length of the Cap H1B Visa.
96. Unified Systems also petitioned for an immigrant visa on Form I-140 on behalf of Azmathulla Mohammed, and the Agency granted the immigrant visa petition on

September 30, 2013.

97. Unified Systems then successfully applied for a three-year extension for Azmathulla Mohammed, giving him Cap H1B Visa status until September 22, 2017.
98. Azmathulla Mohammed was unaware of any fraud or misstatements related to the petitions that Unified Systems filed on his behalf.
99. On May 25, 2016, a new employer petitioned for a transfer for Azmathulla Mohammed. The Agency has taken no action on this Cap H1B Visa transfer petition. It remains pending
100. On August 16, 2017, a second new employer filed a Cap H1B Visa transfer petition for Azmathulla Mohammed. This Cap H1B Visa transfer petition was filed through premium processing; premium processing is a service the Agency offers to take adjudicatory action within 15 business days for an additional fee. Regardless of premium processing, this petition remains pending today.
101. According to The Agency's online case status website, on August 28, 2018, the Agency mailed Unified Systems a notice of intent to revoke Azmathulla Mohammed's initial Cap H1B Visa.
102. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a company it knew was defunct and mailed the notice of intent to revoke to an address it knew was invalid.
103. It did not mail the notice of intent to revoke to Azmathulla Mohammed or his current employer.
104. On September 13, 2018, the Post Office returned the notice of intent to revoke to the Agency because the Post Office could not deliver it.
105. On October 29, 2018, the Agency revoked the 2011 Cap H1B Visa.

106. Again, upon information and belief, the Agency intentionally mailed the revocation to Unified Systems, a company it knew was defunct, and mailed the revocation to Unified Systems' address, an address it knew was invalid.
107. The Post Office returned the revocation to the Agency on November 20, 2018 because the Post Office could not deliver it.
108. The Agency did not send a copy of the revocation to Azmathulla Mohammed or to his current employer.
109. Upon information and belief, the revocation purports to require Azmathulla Mohammed to leave the United States within 30 days of its receipt.
110. Upon information and belief, the Agency will now deny Azmathulla Mohammed pending Cap H1B Visa petitions based on this revocation.
111. Upon information and belief, the Agency will also deny visa petitions currently pending for Azmathulla Mohammed's wife, who is currently a derivative on his initial Cap H1B Visa.
112. Azmathulla Mohammed is also unable to extend his current driver's license given the uncertainty of his current status. This cause great interference in his daily life.
113. He has to hire a car to go to work everyday and pay for it.
114. He cannot go grocery shopping, going to work in inclement weather, take his daughters to a park or movies, or drive in an emergency.
115. Azmathulla Mohammed received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
116. The Agency is aware of Azmathulla Mohammed's current address.
117. The Agency is aware of Azmathulla Mohammed's current employer's current address.

118. In addition to affecting Azmathulla Mohammed's status, the Agency's actions are causing Azmathulla Mohammed irreparable harm.
119. Azmathulla Mohammed has been in the United States since 2009. He has two United States citizen daughters. Both are in primary school in Virginia. If Azmathulla Mohammed were required to leave the United States, his daughters would have to go with him and they would suffer greatly.
120. Azmathulla Mohammed has been providing services to the State of Virginia for nearly eight years. He has helped reduce accidents through accurately and timely identifying accident-prone intersections.
121. Further, he has paid into Social Security and Medicare for ten years. If the Agency forces Azmathulla Mohammed to leave the country, he will lose the money he has paid into those systems for nearly forty quarters.
122. The revocation has also prevented Azmathulla Mohammed from acquiring a new driver's license. This has caused significant suffering in his daily life.
123. Finally, Azmathulla Mohammed's spouse's immigration status is dependent wholly on Azmathulla Mohammed's H1B status. If the Agency revokes Azmathulla Mohammed's initial cap H1B, it will also deprive Azmathulla Mohammed's spouse of any immigration status in the United States.
124. She is in the fact in the middle of a master's degree now, and if she is forced to leave, she will be unable to graduate or pursue her professional development.
125. Azmathulla Mohammed's daughters often struggle with the idea of moving to India. They see their parents depressed and overhear conversations. Recently, his daughter asked:

"Daddy, I hear you speaking with Mom that we would have to leave the United States. Do me and sister have to go with you. I love my teacher, my school and my friends. How do

you expect me to grow up in a place I do not know.” Such comments cause the family significant mental anguish.

126. All such harm is irreparable.
127. Based on the approved Cap H1B, Azmathulla Mohammed has lawful presence in the United States.
128. Based on the approved Cap H1B, Azmathulla Mohammed has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.
129. Based on the approved Cap H1B, Azmathulla Mohammed’s wife has lawful status in the United States.

3: Plaintiff Aravind Babu Kadiyala

130. Plaintiff Aravind Babu Kadiyala initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—on January 23, 2012. That Cap H1B Visa was valid from January 23, 2012 through October 31, 2014. Unified Systems filed an amendment to the H1B in 2013, which was approved. The amendment did not impact the length of the Cap H1B Visa.
131. Unified Systems also petitioned for an immigrant visa on behalf of Aravind Babu Kadiyala, and such immigrant visa petitioner was approved on March 15, 2013.
132. Unified Systems then successfully applied for a three-year extension for Aravind Babu Kadiyala, giving him Cap H1B Visa status until July 15, 2017.
133. Aravind Babu Kadiyala was unaware of any fraud or misstatements related to the petitions that Unified Systems filed on his behalf.
134. On June 1, 2016, a new employer petitioned for a transfer for Aravind Babu Kadiyala via premium processing, a service that requires the Agency to take adjudicatory action in 15

business days. The Agency has taken no action on this Cap H1B Visa transfer petition. It remains pending today.

135. On September 13, 2018, a second new employer filed a Cap H1B Visa transfer petition for Aravind Babu Kadiyala via premium processing. This application remains pending today.
136. According the Agency's online case status website, on August 27, 2018, the Agency mailed Unified Systems a notice of intent to revoke Aravind Babu Kadiyala's initial Cap H1B Visa.
137. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Unified Systems, a company it knew was defunct, at an address the Agency knew was invalid.
138. It did not mail the notice of intent to revoke to Aravind Babu Kadiyala or his current employer.
139. On September 10, 2018, the Post Office returned the notice of intent to revoke to the Agency because the Post Office could not deliver it.
140. On November 2, 2018, the Agency revoked the 2011 Cap H1B Visa.
141. Again, upon information and belief, the Agency intentionally mailed the revocation to Unified Systems, a company it knew was defunct, with an address it knew was invalid.
142. The Agency did not send a copy of the revocation to Aravind Babu Kadiyala or to his current employer.
143. Upon information and belief, the revocation purports to require Aravind Babu Kadiyala to leave the United States within 30 days of its receipt.
144. Upon information and belief, the Agency will now deny Aravind Babu Kadiyala's pending Cap H1B Visa petitions based on this revocation.

145. Aravind Babu Kadiyala received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
146. The Agency is aware of Aravind Babu Kadiyala's current address.
147. The Agency is aware of Aravind Babu Kadiyala's current employer's current address.
148. Aravind Babu Kadiyala has now been in the United States for over ten years.
149. Aravind Babu Kadiyala's wife and minor son are in the United States as derivatives of his Cap H1B visa. They are both currently on H4 status.
150. Because of the revocation, Aravind Babu Kadiyala and his wife are unable to get driver's licenses.
151. Without driver's licenses, the couple struggles to get their son to school or to do basic tasks like grocery shop.
152. Their son is in school in the United States.
153. If Aravind Babu Kadiyala was required to leave the United States because of the revocation, his wife and son would be required to also leave.
154. His son's education would be significantly disrupted and irreparably harmed.
155. All such harm is irreparable.
156. Based on the approved Cap H1B, Aravind Babu Kadiyala has lawful presence in the United States.
157. Based on the approved Cap H1B, Aravind Babu Kadiyala has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.
158. Based on the approved Cap H1B, Aravind Babu Kadiyala's wife has lawful status in the United States.

4: Plaintiff Biswajit Mohapatra

159. Plaintiff Biswajit Mohapatra initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—on June 17, 2011. That Cap H1B Visa was valid from January 10/1/2011 through September 23, 2014. Unified Systems filed an amendment to the H1B in 2014, which was approved. The amendment did not impact the length of the Cap H1B Visa.
160. Unified Systems also petitioned for an immigrant visa on behalf of Biswajit Mohapatra, and such immigrant visa petitioner was approved on May 16, 2013.
161. Unified Systems then successfully applied for a three-year extension for Biswajit Mohapatra, giving him Cap H1B Visa status until September 23, 2017.
162. Biswajit Mohapatra was unaware of any fraud or misstatements related to the petitions that Unified Systems filed on his behalf.
163. On June 17, 2016, a new employer petitioned for a transfer for Biswajit Mohapatra.
164. This application remains pending today.
165. On March 1, 2017, a second new employer filed a Cap H1B Visa transfer on his behalf. Rather than changing his status in the United States, Biswajit Mohapatra traveled to the consulate abroad, acquired the visa, and reentered the United States with Cap H1B Visa status through February 5, 2020.
166. According the Agency’s online case status website, on August 28, 2018, the Agency mailed Unified Systems a notice of intent to revoke Biswajit Mohapatra’s initial Cap H1B Visa.
167. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Unified Systems, a company it knew was defunct, at an address the Agency knew was invalid.

168. It did not mail the notice of intent to revoke to Biswajit Mohapatra or his current employer.
169. On September 13, 2018, the Post Office returned the notice of intent to revoke to the Agency because the Post Office could not deliver it.
170. On October 29, 2018, the Agency revoked the 2011 Cap H1B Visa.
171. Again, upon information and belief, the Agency intentionally mailed the revocation to Unified Systems, a company it knew was defunct, with an address it knew was invalid.
172. On November 22, 2018, the Post Office returned the revocation because the Post Office could not deliver it.
173. The Agency did not send a copy of the revocation to Biswajit Mohapatra or to his current employer.
174. Upon information and belief, the revocation purports to require Biswajit Mohapatra to leave the United States within 30 days of its receipt.
175. Upon information and belief, the Agency will now deny Biswajit Mohapatra's pending Cap H1B Visa petitions based on this revocation.
176. Biswajit Mohapatra received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
177. The Agency is aware of Biswajit Mohapatra's current address.
178. The Agency is aware of Biswajit Mohapatra's current employer's current address.
179. Biswajit Mohapatra has two children in the United States. Both attend school. One is a United States citizen; the other is an H4 derivative.
180. Both will be significantly harmed if Biswajit Mohapatra is forced to return to India because the children will be required to return with him.
181. Their education will be interrupted.

- 182. Biswajit Mohapatra's career will be negatively impacted if he is forced to return to India.
- 183. Biswajit Mohapatra owns a townhome and pays a mortgage. If he is forced to leave the United States, it is unclear what will happen to this property.
- 184. Biswajit Mohapatra has been in the United States for over 10 years.
- 185. Based on the approved Cap H1B, Biswajit Mohapatra has lawful presence in the United States.
- 186. Based on the approved Cap H1B, Biswajit Mohapatra has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.
- 187. Based on the approved Cap H1B, Biswajit Mohapatra's wife has lawful status in the United States.

5: Plaintiff Venkata Sita Ramaanjaneyul Basati

- 188. Plaintiff Venkata Sita Ramaanjaneyul Basati initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—in 2011. That Cap H1B Visa was valid from October 1, 2011 through September 30, 2014.
- 189. Unified Systems also petitioned for an immigrant visa on behalf of Venkata Sita Ramaanjaneyul Basati, and such immigrant visa petitioner was approved on April 15, 2013.
- 190. Unified Systems then successfully applied for a three-year extension for Venkata Sita Ramaanjaneyul Basati, giving him Cap H1B Visa status until September 30, 2017.
- 191. Venkata Sita Ramaanjaneyul Basati was unaware of any fraud or misstatements related to the petitions that Unified Systems filed on his behalf.
- 192. On July 1, 2016, a new employer petitioned for a transfer for Venkata Sita Ramaanjaneyul Basati.

193. This application remains pending today.
194. On May 4, 2017, a second new employer petitioned for a transfer Cap H1B Visa for Venkata Sita Ramaanjaneyul Basati.
195. This application remains pending today.
196. According the Agency's online case status website, on August 29, 2018, the Agency mailed Unified Systems a notice of intent to revoke Venkata Sita Ramaanjaneyul Basati's initial Cap H1B Visa.
197. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Unified Systems, a company it knew was defunct, at an address the Agency knew was invalid.
198. It did not mail the notice of intent to revoke to Venkata Sita Ramaanjaneyul Basati or his current employer.
199. On September 13, 2018, the Post Office returned the notice of intent to revoke to the Agency because the Post Office could not deliver it.
200. On October 25, 2018, the Agency revoked the 2011 Cap H1B Visa.
201. Again, upon information and belief, the Agency intentionally mailed the revocation to Unified Systems, a company it knew was defunct, with an address it knew was invalid.
202. On November 21, 2018, the Post Office returned the revocation because the Post Office could not deliver it.
203. The Agency did not send a copy of the revocation to Venkata Sita Ramaanjaneyul Basati or to his current employer.
204. Upon information and belief, the revocation purports to require Venkata Sita Ramaanjaneyul Basati to leave the United States within 30 days of its receipt.

205. Upon information and belief, the Agency will now deny Venkata Sita Ramaanjaneyul Basati's pending Cap H1B Visa petitions based on this revocation.
206. Venkata Sita Ramaanjaneyul Basati received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
207. The Agency is aware of Venkata Sita Ramaanjaneyul Basati's current address.
208. The Agency is aware of Venkata Sita Ramaanjaneyul Basati's current employer's current address.
209. Venkata Sita Ramaanjaneyul Basati has been in the United States for more than seven years.
210. Venkata Sita Ramaanjaneyul Basati has three United States citizen children.
211. Venkata Sita Ramaanjaneyul Basati has not been able to acquire a driver's license renewal due the revocation and delayed visa adjudications mentioned above. Because he cannot help drive his children to activities, the children have had to drop out of after school (STEM activities) and weekend activities like dance, music, and swim lessons.
212. If Venkata Sita Ramaanjaneyul Basati is forced to leave the United States, his children will suffer significant harm.
213. Venkata Sita Ramaanjaneyul Basati's children are United States citizens and two have started school. If he is forced to leave the United States, his children will have to leave too.
214. This will interrupt their education.
215. Further, due to the revocation, Venkata Sita Ramaanjaneyul Basati has suffered ill health consequences from the increased stress and uncertainty. Venkata Sita Ramaanjaneyul Basati now takes medicine every day to control the negative health consequences.

216. Venkata Sita Ramaanjaneyul Basati owns a home with a mortgage in the United States. If he is forced to leave the United States it is unclear what will happen to his home.
217. Based on the approved Cap H1B, Venkata Sita Ramaanjaneyul Basati has lawful presence in the United States.
218. Based on the approved Cap H1B, Venkata Sita Ramaanjaneyul Basati has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.
219. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
220. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.
221. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
222. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

6: Plaintiff Rajendra Sharma

223. Plaintiff Rajendra Sharma initially acquired a Cap H1B Visa through United Software Solutions, Inc.—an EcomNets entity—in 2013. That Cap H1B Visa was valid from January 31, 2014 through September 9, 2014.
224. United Software Solutions, Inc. then successfully applied for an extension for Rajendra Sharma, giving him Cap H1B Visa status until July 31, 2016.
225. Rajendra Sharma was unaware of any fraud or misstatements related to the petitions that United Software Solutions, Inc. filed on his behalf.
226. On May 17, 2016, a new employer petitioned for a transfer Cap H1B Visa for Rajendra

Sharma.

- 227. This application remains pending today.
- 228. On September 14, 2016, the Agency approved an immigrant visa on Form I140 on behalf of Rajendra Sharma which was filed by his new employer.
- 229. On March 9, 2017, Rajendra Sharma's current employer filed for an Cap H1B Visa extension.
- 230. This application remains pending today.
- 231. According the Agency's online case status website, on August 27, 2018, the Agency mailed United Software Solutions, Inc. a notice of intent to revoke Rajendra Sharma's initial Cap H1B Visa.
- 232. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a United Software Solutions, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
- 233. It did not mail the notice of intent to revoke to Rajendra Sharma or his current employer.
- 234. On September 10, 2018, the Post Office returned the notice of intent to revoke to the Agency because the Post Office could not deliver it.
- 235. On October 17, 2018, the Agency revoked the 2013 Cap H1B Visa.
- 236. Again, upon information and belief, the Agency intentionally mailed the revocation to United Software Solutions, Inc., a company it knew was defunct, with an address it knew was invalid.
- 237. On November 7, 2018, the Post Office returned the revocation because the Post Office could not deliver it.
- 238. The Agency did not timely send a copy of the revocation to Rajendra Sharma or to his current employer.

- 239. The revocation purports to require Rajendra Sharma to leave the United States within 30 days of its receipt.
- 240. Upon information and belief, the Agency will now deny Rajendra Sharma's pending Cap H1B Visa petitions based on this revocation.
- 241. Rajendra Sharma received no timely notice and no timely opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
- 242. The Agency is aware of Rajendra Sharma's current address.
- 243. The Agency is aware of Rajendra Sharma's current employer's current address.
- 244. Rajendra Sharma has been in the United States for more than seven years.
- 245. Due to the revocation, Rajendra Sharma's current job has been affected because he could not qualify for a federal contract that his employer was completing.
- 246. Due to the revocation, he is unable to travel.
- 247. Due to the revocation, he has struggled with emotional and mental anguish.
- 248. The revocation is precluding Rajendra Sharma from acquiring new employment.
- 249. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
- 250. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

7: Plaintiff Srinivasa Rao Madugula

- 251. Plaintiff Srinivasa Rao Madugula initially acquired a Cap H1B Visa through United Software Solutions, Inc.—an EcomNets entity. That Cap H1B Visa was valid October 1, 2013 through September 9, 2016. In 2014, United Software Solutions, Inc. filed an amendment to Srinivasa Rao Madugula's Cap H1B Visa which was approved. This amendment did not impact the length of the H1B status.

252. She was actually in the United States prior to acquiring the Cap H1B with United Software Solutions. She was lawfully present on an H4 visa.
253. Srinivasa Rao Madugula was unaware of any fraud or misstatements related to the petitions that United Software Solutions, Inc. filed on his behalf.
254. On May 20, 2016, a new employer petitioned for a transfer Cap H1B Visa for Srinivasa Rao Madugula via premium processing. This application remains pending today.
255. On March 27, 2017, the Agency approved an immigrant visa filed on Form I140 on behalf of Srinivasa Rao Madugula which was filed by his new employer.
256. On September 21, 2018, Srinivasa Rao Madugula filed to change status to an H4—a different visa status altogether—and he filed a separate I765, Application for Employment Authorization Document. Both applications remain pending.
257. According the Agency's online case status website, on August 29, 2018, the Agency mailed United Software Solutions, Inc. a notice of intent to revoke Srinivasa Rao Madugula's initial Cap H1B Visa.
258. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a United Software Solutions, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
259. It did not mail the notice of intent to revoke to Srinivasa Rao Madugula or his current employer.
260. On September 13, 2018, the Post Office returned the notice of intent to revoke to the Agency because the Post Office could not deliver it.
261. On October 22, 2018, the Agency revoked the 2013 Cap H1B Visa.
262. Again, upon information and belief, the Agency intentionally mailed the revocation to United Software Solutions, Inc., a company it knew was defunct, with an address it knew

was invalid.

263. On November 14, 2018, the Post Office returned the revocation because the Post Office could not deliver it.
264. The Agency did not send a copy of the revocation to Srinivasa Rao Madugula or to his current employer.
265. Upon information and belief, the revocation purports to require Srinivasa Rao Madugula to leave the United States within 30 days of its receipt.
266. Upon information and belief, the Agency will now deny Srinivasa Rao Madugula's pending Cap H1B Visa petitions based on this revocation.
267. Srinivasa Rao Madugula received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
268. The Agency is aware of Srinivasa Rao Madugula's current address.
269. The Agency is aware of Srinivasa Rao Madugula's current employer's current address.
270. Srinivasa Rao Madugula has been in the United States more than 6 years.
271. Srinivasa Rao Madugula has two daughters, one is ten years old and one is two years old. The younger daughter is a United States citizen.
272. Srinivasa Rao Madugula's younger daughter is under medical treatment for hemangioma on her nasal tip.
273. Srinivasa Rao Madugula moved his family from Columbus, Ohio, to Maryland so his daughter could get treatment for her condition at Johns Hopkins hospital.
274. If Srinivasa Rao Madugula had to leave the United States, he would have to take his two daughters. This would disproportionally impact his younger daughter because she would not be able to acquire the medical treatment she needs.
275. He and his family would suffer irreparable harm if they were forced to leave the United

States.

276. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
277. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

8: Plaintiff Mujeeb Khan Mohammed

278. Plaintiff Mujeeb Khan Mohammed initially acquired an Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—in 2012. That Cap H1B Visa was valid from January 4, 2012 through September 30, 2014.
279. Mujeeb Khan Mohammed was unaware of any fraud or misstatements related to the petition that Unified Systems, Inc. filed on his behalf.
280. On March 4, 2013, a new employer petitioned for a transfer Cap H1B Visa Mujeeb Khan Mohammed. The Agency granted this petition.
281. On December 8, 2014, the Agency approved a three-year extension for Mujeeb Khan Mohammed's Cap H1B Visa based on the petition by his new employer.
282. On March 1, 2016, the Agency approved an immigrant visa on Form I-140 on behalf of Mujeeb Khan Mohammed which was filed by his new employer.
283. On June 3, 2016, Mujeeb Khan Mohammed's new employer filed for a second Cap H1B Visa extension. This Application remains pending.
284. On September 29, 2017, a second new employer filed for a Cap H1B Visa transfer on behalf of Mujeeb Khan Mohammed. This application remains pending.
285. On October 13, 2017, the second new employer upgraded the Cap H1B Visa petition to premium processing, a service that requires the Agency to take adjudicatory action within 15 calendar days. To date, the Agency has taken no action on this Cap H1B Visa transfer

petition; it remains pending today.

286. On May 30, 2018, a third new employer filed for a Cap H1B Visa Transfer on behalf of Mujeeb Khan Mohammed. This petition remains pending today.
287. According the Agency's online case status website, on August 27, 2018, the Agency mailed Unified Systems Inc. a notice of intent to revoke Mujeeb Khan Mohammed's initial Cap H1B Visa.
288. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Unified Systems, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
289. It did not mail a notice of intent to revoke to Mujeeb Khan Mohammed or his current employer.
290. On September 10, 2018, the Post Office returned the notice of intent to revoke to the Agency because the Post Office could not deliver it.
291. On October 22, 2018, the Agency revoked Mujeeb Khan Mohammed's initial Cap H1B Visa from 2012.
292. On November 7, 2018, the Post Office returned the revocation to the Agency because the Post Office could not deliver it.
293. The Agency did not send a copy of the revocation to Mujeeb Khan Mohammed to his current employer.
294. Upon information and belief, the revocation purports to require Mujeeb Khan Mohammed to leave the United States within 30 days of its receipt.
295. Upon information and belief, the Agency will now deny Mujeeb Khan Mohammed's pending Cap H1B Visa petitions based on this revocation.
296. Mujeeb Khan Mohammed received no notice and no opportunity to rebut the allegations

in the notice of intent to revoke or the revocation.

- 297. The Agency is aware of Mujeeb Khan Mohammed's current address.
- 298. The Agency is aware of Mujeeb Khan Mohammed's current employer's current address.
- 299. Mujeeb Khan Mohammed has been in the United States for more than seven years.
- 300. Mujeeb Khan Mohammed has three United States citizen children.
- 301. Mujeeb Khan Mohammed has a United States citizen son with delayed development and special needs.
- 302. Mujeeb Khan Mohammed's son has hydrocephalus and needs to see his neurologist regularly.
- 303. Mujeeb Khan Mohammed's son also needs physical therapy, occupational therapy, and speech therapy.
- 304. Mujeeb Khan Mohammed's driver's license will expire in May 2019. At that point, he will be unable to acquire a new license.
- 305. All of his children are in elementary school.
- 306. The revocations have prevented Mujeeb Khan Mohammed from career advancement.
- 307. If Mujeeb Khan Mohammed is forced to leave the United States, his entire family, including his three United States citizen children, would be forced to leave.
- 308. His children would lose the only country they know.
- 309. They would not be able to get the medical care they need.
- 310. Their education would be interrupted significantly.
- 311. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
- 312. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

9: Plaintiff Ashok Kumar Jayakumar

313. Plaintiff Ashok Kumar Jayakumar initially acquired an Cap H1B Visa through United Tech, Inc.—an EcomNets entity—in 2014. That Cap H1B Visa was valid from December 2, 2014 through December 1, 2015.
314. Ashok Kumar Jayakumar was unaware of any fraud or misstatements related to the petition that United Tech, Inc. filed on his behalf.
315. On September 28, 2015, an EcomNets entity petitioned for a transfer Ashok Kumar Jayakumar’s Cap H1B Visa. This application remains pending.
316. On May 9, 2016, a new employer, unrelated to EcomNets, filed a second transfer for Ashok Kumar Jayakumar. That application remains pending.
317. The new employer filed Form I-140 on behalf of Ashok Kumar Jayakumar.
318. On February 24, 2017, the Agency approved an immigrant visa on Form I-140 on behalf of Ashok Kumar Jayakumar which was filed by his new employer.
319. According the Agency’s online case status website, on August 28, 2018, the Agency mailed United Tech, Inc. a notice of intent to revoke Ashok Kumar Jayakumar’s initial Cap H1B Visa.
320. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a United Tech, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
321. It did not mail a notice of intent to revoke to Ashok Kumar Jayakumar or his current employer.
322. On October 27, 2018, the Agency revoked Ashok Kumar Jayakumar’s initial Cap H1B Visa from 2014.

323. The Agency did not send a copy of the revocation to Ashok Kumar Jayakumar to his current employer.
324. Upon information and belief, the revocation purports to require Ashok Kumar Jayakumar to leave the United States within 30 days of its receipt.
325. Upon information and belief, the Agency will now deny Ashok Kumar Jayakumar's pending Cap H1B Visa petitions based on this revocation.
326. Ashok Kumar Jayakumar received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
327. The Agency is aware of Ashok Kumar Jayakumar's current address.
328. The Agency is aware of Ashok Kumar Jayakumar's current employer's current address.
329. Ashok Kumar Jayakumar has been in the United States since 2014.
330. He has a three year old, United States citizen son, who is in primary kindergarten
331. If Ashok Kumar Jayakumar were required to leave the United States, his son would have to go with him and he would suffer greatly.
332. His son also sees his parents depressed and overhears conversations of parents which in our home is a regular feature.
333. Ashok Kumar Jayakumar has been going through the anguish moments since May 2016, physically and mentally suffering due to long pending visa approval and unable to take any decisions due to long-pending applications.
334. Further, he has paid into Social Security and Medicare for 4 years. If the Agency is able to force Ashok Kumar Jayakumar to leave the country, he will lose the money he has paid into those systems for nearly everything.
335. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
336. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for

the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

10: Plaintiff Divya Bathula

337. Plaintiff Divya Bathula initially acquired a Cap H1B Visa through United Software Solutions, Inc.—an EcomNets entity—in 2014. That Cap H1B Visa was valid from October 1, 2014 to September 30, 2015.
338. Divya Bathula was unaware of any fraud or misstatements related to the petition that United Software Solutions, Inc. filed on his behalf.
339. On September 10, 2015, a different EcomNets entity, Unified Systems, Inc., petitioned for a transfer Cap H1B Visa for Divya Bathula.
340. On May 19, 2016, a new employer petitioned for a transfer Cap H1B for Divya Bathula.
341. Thereafter, a second new employer petitioned for a transfer Cap H1B for Divya Bathula.
342. Both remain pending.
343. Because these applications have been pending so long, Divya Bathula's spouse has been unable to return to the United States as a dependent in H4 status. In fact, the couple were separated for two years.
344. Similarly, she has been unable to travel outside of the united states. In the last two years both of her parents have been hospitalized. She could not return to India to see them.
345. According the Agency's online case status website, on August 28, 2018, the Agency mailed United Software Solutions, Inc. a notice of intent to revoke Divya Bathula's initial Cap H1B Visa.
346. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a United Software Solutions, Inc., a company it knew was defunct, at an

address the Agency knew was invalid.

- 347. It did not mail a notice of intent to revoke to Divya Bathula or his current employer.
- 348. On October 19, 2018, the Agency revoked Divya Bathula's initial Cap H1B Visa from 2014.
- 349. The Agency did not send a copy of the revocation to Divya Bathula to his current employer.
- 350. Upon information and belief, the revocation purports to require Divya Bathula to leave the United States within 30 days of its receipt.
- 351. Upon information and belief, the Agency will now deny Divya Bathula's pending Cap H1B Visa petitions based on this revocation.
- 352. Divya Bathula received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
- 353. The Agency is aware of Divya Bathula's current address.
- 354. The Agency is aware of Divya Bathula's current employer's current address.
- 355. Divya Bathula has been unable to renew her driver's license since 2016, making it extremely difficult to travel.
- 356. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
- 357. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

11: Plaintiff Chetan Joshi

- 358. Plaintiff Chetan Joshi initially acquired an Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—in 2012. That Cap H1B Visa was valid from January 17, 2012 to May 31, 2013.

359. Chetan Joshi was unaware of any fraud or misstatements related to the petition that Unified Systems, Inc. filed on his behalf.
360. A new employer petitioned for a transfer Cap H1B Visa for Chetan Joshi. The Agency granted this petition on September 30, 2013.
361. The new employer then filed three extensions for Chetan Joshi, and all were approved.
362. In June 2018, a second new employer filed a Cap H1B transfer for Chetan Joshi. That was approved in July 2018.
363. In fact, Chetan Joshi is currently in a period of valid H1B status.
364. Based on these approvals, Chetan Joshi traveled to India. He traveled to the consulate to get a visa “stamp” to travel back to the United States to continue his H1B work in Arizona.
365. The consulate did not issue the stamp immediately.
366. Within one week, the Agency issued Chetan Joshi’s current employer a notice of intent to revoke Chetan Joshi’s current H1B status because it had previously revoked Chetan Joshi’s initial Cap H1B Visa.
367. The Agency did not provide notice to Chetan Joshi or his current employer when it revoked his initial 2012 Cap H1B Visa.
368. It did not mail a notice of intent to revoke to Chetan Joshi or his current employer related to the revocation of his initial 2012 Cap H1B Visa.
369. The Agency did not send a copy of the revocation to Chetan Joshi or his current employer related to the revocation of his initial 2012 Cap H1B Visa.
370. Chetan Joshi is now stranded in India because the State Department will not issue a visa stamp based on the Agency’s actions.
371. Upon information and belief, the Agency will now deny Chetan Joshi’s approved

Cap H1B Visa petitions based on this revocation.

372. Chetan Joshi received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation related to the revocation of his initial 2012 Cap H1B Visa.
373. The Agency is aware of Chetan Joshi's current address.
374. The Agency is aware of Chetan Joshi's current employer's current address.
375. Chetan Joshi has lived in the United States for over six years.
376. Chetan Joshi has a rescue dog from Dallas Animal Shelter, who is now living with his friends in US while Chetan Joshi is stuck in India. His dog, Titan's, recovery as a rescued animal is impacted.
377. Chetan Joshi also work as American Red Cross volunteer is not able to provide his services to community as driver and DAT(Disaster Action Team) respondent.
378. Chetan Joshi has an American Citizen girlfriend living in the United States. She is stressed out with the whole situation. There is a high possibility that due to this stress and risk of impact of long distance on relationship she will leave her job to be in India with him as his support.
379. Chetan Joshi's girlfriend's American citizen family is also stressed with the whole situation and her decision to stay away from her family in India, if required.
380. Before joining Ecomnets, Chetan Joshi did due diligence on EcomNets and found no bad reviews about Raj Kosuri rather Mr. Kosurie appeared to be a writer, entrepreneur and trust worthy individual. Until the indictment, Chetan Joshi had no way to find out what all Raj Kosuri was doing.
381. Chetan Joshi never appeared in the consulate in India while working with Raj Kosuri or never was directed about lying to Federal employee if they visit his work. Chetan Joshi

was ever told or signaled to do anything wrong he would have informed the authorities and distanced himself from situation.

382. Chetan Joshi's career and life is at stake as he have been making his career in US and sacrificed other great opportunities.

383. Chetan Joshi is paying Car loans, rent, insurance etc. and he is stressed to keep on paying for his dues in US without having clarity on when he will be able to travel. He is worried about his payment capabilities in US dollars.

384. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.

385. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

12: Plaintiff Sreenisarga Gadde

386. Plaintiff Sreenisarga Gadde initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—in 2012. That Cap H1B Visa was valid from October 1, 2012 through September 30, 2013.

387. Sreenisarga Gadde was unaware of any fraud or misstatements related to the petition that Unified Systems, Inc. filed on his behalf.

388. A second EcomNets entity filed a transfer on behalf of Sreenisarga Gadde, providing her H1B status through September 2, 2016. The Agency granted this petition.

389. A second employer—the current employer—then petitioned for a Cap H1B Visa transfer for Sreenisarga Gadde. It was granted on January 9, 2014. Sreenisarga Gadde in fact has approved H1B status through December 2019.

390. On January 20, 2016, the Agency approved an immigrant visa on Form I-140 on behalf of Sreenisarga Gadde which was filed by her current employer.

391. Upon information and belief, the Agency mailed Unified Systems Inc. a notice of intent to revoke Sreenisarga Gadde's initial Cap H1B Visa.
392. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Unified Systems, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
393. Upon information and belief, the Agency did not mail a notice of intent to revoke the initial Cap H1B to Sreenisarga Gadde or her current employer.
394. Upon information and belief, the Agency knowingly sent the notices of revocation to addresses it knew were invalid to deprive the beneficiaries or the beneficiaries' current employer from responding.
395. Upon information and belief, the Agency revoked Sreenisarga Gadde's initial Cap H1B Visa from 2012.
396. The Agency did not send a copy of the revocation to Sreenisarga Gadde or to her current employer.
397. Upon information and belief, the revocation purports to require Sreenisarga Gadde to leave the United States within 30 days of its receipt.
398. Upon information and belief, the Agency will now revoke Sreenisarga Gadde's current Cap H1B Visa petitions based on the revocation of her 2012 Cap H1B Visa.
399. Sreenisarga Gadde received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation related to the revocation of his initial 2012 Cap H1B Visa.
400. On December 21, 2019, the Agency served Sreenisarga Gadde's current employer with a notice of intent to revoke her current H1B visa. It seeks to revoke the visa based on its revocation of Sreenisarga Gadde's 2012 Cap H1B visa.

- 401. The Agency is aware of Sreenisarga Gadde's current address.
- 402. The Agency is aware of Sreenisarga Gadde's current employer's current address.
- 403. Sreenisarga Gadde has been in the United States for more than seven years.
- 404. Sreenisarga Gadde has a mortgage on a home in the United States.
- 405. Sreenisarga Gadde is unable to travel outside of the United States because of the revocation. This has prevented Sreenisarga Gadde from visiting an ailing father who had an accident recently.
- 406. The uncertainty and revocation have caused Sreenisarga Gadde and will continue to cause Sreenisarga Gadde significant emotional hardship.
- 407. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
- 408. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

13: Plaintiff Sri Lakshmi Alluri

- 409. Plaintiff Sri Lakshmi Alluri initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—in 2014. That Cap H1B Visa was valid from October 26, 2012 through October 25, 2013.
- 410. Sri Lakshmi Alluri was unaware of any fraud or misstatements related to the petition that Unified Systems, Inc. filed on his behalf.
- 411. Prior to the end of that visa, a new company petitioned for a transfer Cap H1B Visa for Sri Lakshmi Alluri. Such transfer was approved. Sri Lakshmi Alluri's new employer has continuously applied for extensions for her.
- 412. On June 1, 2015, an I140 immigrant visa was approved for Sri Lakshmi Alluri. Her new employer filed for the immigrant visa.

413. Her new employer last filed for an extension of her Cap H1B on November 14, 2016, but it remains pending to this day.
414. According the Agency's online case status website, on August 2, 2018, the Agency mailed Unified Systems, Inc. a notice of intent to revoke Sri Lakshmi Alluri's initial Cap H1B Visa.
415. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Unified Systems, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
416. The post office returned the notice of intent to revoke to the Agency.
417. It did not mail a notice of intent to revoke to Sri Lakshmi Alluri or her current employer.
418. On September 10, 2018, the Agency revoked Sri Lakshmi Alluri's initial Cap H1B Visa.
419. The Agency did not send a copy of the revocation to Sri Lakshmi Alluri to his current employer.
420. The Agency knew that the address it sent the revocation to was invalid.
421. The post office returned the revocation.
422. Upon information and belief, the revocation purports to require Sri Lakshmi Alluri to leave the United States within 30 days of its receipt.
423. Upon information and belief, the Agency will now deny Sri Lakshmi Alluri's pending Cap H1B Visa petitions based on this revocation.
424. Sri Lakshmi Alluri received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
425. The Agency is aware of Sri Lakshmi Alluri's current address.

426. The Agency is aware of Sri Lakshmi Alluri's current employer's current address.
427. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
428. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

14: Plaintiff Arpit Khurasawar

429. Plaintiff Arpit Khurasawar initially acquired a Cap H1B Visa through United Software Solutions, Inc.—an EcomNets entity—in 2014. That Cap H1B Visa was valid from October 2, 2014 to October 1, 2015.
430. Arpit Khurasawar was unaware of any fraud or misstatements related to the petition that United Software Solutions, Inc. filed on his behalf.
431. On September 22, 2015, Unified Software Solutions, Inc. petitioned for a extension of the Cap H1B Visa for Arpit Khurasawar.
432. On January 11, 2016, a new employer petitioned for a transfer Cap H1B for Arpit Khurasawar. It was approved.
433. On December 13, 2017, the Agency approved an I140 immigrant visa on behalf of Arpit Khurasawar filed by his new company.
434. According the Agency's online case status website, on August 29, 2018, the Agency mailed United Software Solutions, Inc. a notice of intent to revoke Arpit Khurasawar's initial Cap H1B Visa.
435. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a United Software Solutions, Inc., a company it knew was defunct, at an address the Agency knew was invalid.

436. The mail was returned.
437. It did not mail a notice of intent to revoke to Arpit Khurasawar or his current employer.
438. On October 22, 2018, the Agency revoked Arpit Khurasawar's initial Cap H1B Visa from 2014.
439. The Agency did not send a copy of the revocation to Arpit Khurasawar to his current employer.
440. Upon information and belief, the revocation purports to require Arpit Khurasawar to leave the United States within 30 days of its receipt.
441. That notice was returned to the Agency by the post office.
442. Upon information and belief, the Agency will now deny Arpit Khurasawar's pending Cap H1B Visa petitions based on this revocation.
443. Arpit Khurasawar received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
444. The Agency is aware of Arpit Khurasawar's current address.
445. The Agency is aware of Arpit Khurasawar's current employer's current address.
446. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
447. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

15: Plaintiff Rahul Patil

448. Plaintiff Rahul Patil initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—in 2010. That Cap H1B Visa was valid from November 14, 2010 to September 1, 2013.

449. Rahul Patil was unaware of any fraud or misstatements related to the petition that Unified Software Solutions, Inc. filed on his behalf.
450. On August 29, 2011, a new company petitioned for a transfer Cap H1B Visa for Rahul Patil. It was approved and the same employer sought an extension, which was approved.
451. On March 19, 2013, the Agency approved an I140 immigrant visa on behalf of Rahul Patil.
452. On December 31, 2014, a second new employer filed for Rahul Patil a transfer of the Cap H1B petition and it was approved.
453. Rahul Patil's current employer filed for an extension of his Cap H1B. That application remains pending.
454. Upon information and belief, the Agency mailed Unified Systems, Inc. a notice of intent to revoke Rahul Patil's initial Cap H1B Visa.
455. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Unified Software Solutions, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
456. The mail was returned.
457. It did not mail a notice of intent to revoke to Rahul Patil or his current employer.
458. Upon information and belief, the Agency then revoked Rahul Patil's initial Cap H1B Visa from 2010.
459. Upon information and belief, the Agency did not send a copy of the revocation to Rahul Patil or his current employer.
460. The mail was returned.
461. Upon information and belief, the revocation purports to require Rahul Patil to leave the United States within 30 days of its receipt.

462. Upon information and belief, the Agency will now deny Rahul Patil's pending Cap H1B Visa petitions based on this revocation.
463. Rahul Patil received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
464. The Agency is aware of Rahul Patil's current address.
465. The Agency is aware of Rahul Patil's current employer's current address.
466. Rahul Patil has been in the United States for more than eleven years.
467. He has never fallen out of immigration status, and he has acted lawfully in all relevant ways.
468. The EcomNets revocation has caused a significant delay on his pending application. That delay has caused significant harm.
469. He has had a lot of difficulty maintaining a driver's license.
470. Without firm status, it makes it nearly impossible to plan for the education of his children.
471. The revocation and related delay have caused him significant mental anguish and stress.
472. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
473. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

16: Plaintiff Mamta Gupta

474. Plaintiff Mamta Gupta initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—in 2014. That Cap H1B Visa was valid from February 11, 2011 to October 31, 2013.
475. Mamta Gupta was unaware of any fraud or misstatements related to the petition that Unified Software Solutions, Inc. filed on her behalf.

476. On February 21, 2012, a new employer petition for a transfer Cap H1B for Mamta Gupta was approved.
477. Thereafter, a third new employer petitioned for a transfer Cap H1B for Mamta Gupta. It was approved on April 2, 2013.
478. The Agency approved an I140 immigrant visa on behalf of Mamta Gupta on August 14, 2013.
479. Her second new employer has petitioned for extensions for her, though the last extension petition remains pending today.
480. Upon information and belief, in 2018 the Agency mailed Unified Systems, Inc. a notice of intent to revoke Mamta Gupta's initial Cap H1B Visa.
481. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a United Software Solutions, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
482. It did not mail a notice of intent to revoke to Mamta Gupta or his current employer.
483. The mail was returned to the Agency.
484. Upon information and belief, the Agency then revoked Mamta Gupta's initial Cap H1B Visa.
485. Upon information and belief, the Agency did not send a copy of the revocation to Mamta Gupta to his current employer.
486. Upon information and belief, the Agency sent the notice to her initial employer that the Agency knew was defunct.
487. The mail was returned.
488. Upon information and belief, the revocation purports to require Mamta Gupta to leave the United States within 30 days of its receipt.

489. Upon information and belief, the Agency will now deny Mamta Gupta's pending Cap H1B Visa petitions based on this revocation.
490. Mamta Gupta received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
491. The Agency is aware of Mamta Gupta's current address.
492. The Agency is aware of Mamta Gupta's current employer's current address.
493. Mamta Gupta has been in the United States for more than eleven years.
494. She has never fallen out of immigration status, and she has acted lawfully in all relevant ways.
495. The EcomNets revocation has caused a significant delay on her pending application. That delay has caused significant harm.
496. She has had a lot of difficulty maintaining a driver's license.
497. Without firm status, it makes it nearly impossible to plan for the education of her children.
498. The revocation and related delay has caused her significant mental anguish and stress.
499. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
500. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

17: Plaintiff Venkata Satya Vishnu Vardhan Parcha

501. Plaintiff Venkata Satya Vishnu Vardhan Parcha initially acquired a Cap H1B Visa through Unified Systems, Inc.—an EcomNets entity—in 2012. That Cap H1B Visa was valid from September 18, 2012 to December 19, 2015.
502. Venkata Satya Vishnu Vardhan Parcha was unaware of any fraud or misstatements related to the petition that United Software Solutions, Inc. filed on his behalf.

503. On November 24, 2015, the Agency approved a petition for a transfer from a new employer on behalf of Venkata Satya Vishnu Vardhan Parcha.
504. Throughout this period, he had not problem acquiring a visa or a “stamping” at the consulate in his country of nationality.
505. The new employer has applied for extensions on behalf of Venkata Satya Vishnu Vardhan Parcha, though the most recent extension remains pending.
506. According the Agency’s online case status website, the Agency mailed Unified Systems, Inc. a notice of intent to revoke Venkata Satya Vishnu Vardhan Parcha’s initial Cap H1B Visa.
507. Upon information and belief, the Agency intentionally mailed the notice of intent to revoke to a Unified Systems, Inc., a company it knew was defunct, at an address the Agency knew was invalid.
508. It did not mail a notice of intent to revoke Venkata Satya Vishnu Vardhan Parcha or his current employer.
509. The mail was returned.
510. The Agency then revoked Venkata Satya Vishnu Vardhan Parcha’s initial Cap H1B Visa.
511. The Agency did not send a copy of the revocation to Venkata Satya Vishnu Vardhan Parcha to his current employer.
512. Because the Agency sent the revocation to an address it knew was defunct, the post office returned the mail as undeliverable.
513. Upon information and belief, the revocation purports to require Venkata Satya Vishnu Vardhan Parcha to leave the United States within 30 days of its receipt.

514. Upon information and belief, the Agency will now deny Venkata Satya Vishnu Vardhan Parcha's pending Cap H1B Visa petitions based on this revocation.
515. Venkata Satya Vishnu Vardhan Parcha received no notice and no opportunity to rebut the allegations in the notice of intent to revoke or the revocation.
516. The Agency is aware of Venkata Satya Vishnu Vardhan Parcha's current address.
517. The Agency is aware of Venkata Satya Vishnu Vardhan Parcha's current employer's current address.
518. Based on the approved Cap H1B, Plaintiff has lawful presence in the United States.
519. Based on the approved Cap H1B, Plaintiff has the right to work in the United States for the original petitioner or any subsequent petitioner that files a transfer application on his behalf.

Allegations for all Plaintiffs

520. Plaintiffs had a legitimate claim of entitlement created by statute and regulation in the approval of their initial Cap H1B Visas.
521. With approved Cap H1B visas, each Plaintiff is entitled to work authorization in the United States for at least a period of 6 years.
522. With approved Cap H1B visas, each Plaintiff is entitled to have their spouse and minor, unmarried children join them in the United States in H4 status.
523. With approved Cap H1B visas, each Plaintiff is entitled to file a complaint for any unlawful immigration-related employment practices against his or her employer.
524. With approved Cap H1B visas, each Plaintiff is entitled to their status unless or until the Agency revokes it properly under their regulations.
525. With approved Cap H1B visas, each Plaintiff is entitled to travel authorization.
526. With approved Cap H1B visas and an approved immigrant visa, each Plaintiff is

entitled to extensions of their H1B status beyond the 6 year statutory period.

527. With approved Cap H1B visas and an approved immigrant visa, each Plaintiff is entitled to change employers.
528. With approved Cap H1B visas and an approved immigrant visa, each Plaintiff is entitled to seek adjustment of status as soon as the immigrant visa becomes available.
529. With approved Cap H1B visas and an approved immigrant visa, each Plaintiff's spouse is entitled to work authorization associated with their H4 status.
530. The Agency knowingly and intentionally gave the Plaintiffs no notice of its intent to revoke the initial Cap H1B Visas.
531. The Agency knowingly and intentionally gave the Plaintiffs no notice of its revocations of their initial Cap H1B Visas.
532. The Agency knowingly and intentionally gave the Plaintiffs no opportunity to respond to the notices of intent to revoke their initial Cap H1B Visas.
533. The Agency knowingly and intentionally gave the Plaintiffs no opportunity to respond to the revocations of their initial Cap H1B Visas.
534. The Agency's online case status portal describes the Agency's actions but does not constitute notice or an opportunity to respond.
535. Upon information and belief, the Agency now intends to deny Plaintiffs' pending Cap H1B transfer petitions and extension petitions filed by new employers because it revoked Plaintiffs' initial Cap H1B Visas. Without a Cap H1B Visa, Plaintiffs do not get the benefits of the portability provisions of law.
536. No Plaintiff took part in and had no knowledge of any fraud committed by EcomNets related to their Cap H1B Visa petitions or immigrant visa petitions.
537. Each Plaintiff has lawful status because of the initial Cap H1B.

- 538. Each Plaintiff has travel authorization because of the initial Cap H1B.
- 539. The government has not and cannot identify fraud on the part of any plaintiff.
- 540. Each Plaintiff is aggrieved by the Agency's revocations or intent to revoke.

FIRST CAUSE OF ACTION
(Administrative Procedure Act ("APA"))

- 541. Plaintiffs reallege all allegations herein as though restated here.
- 542. The Agency's revocations are final agency actions.
- 543. No statute or regulation requires administrative exhaustion of the revocation of a Cap H1B Visa.
- 544. Revocation of Cap H1B Visas on notice is not discretionary and it is regulated by 8 C.F.R. § 214.12(h)(11)(B)(iii).
- 545. The regulations provide ample law to apply to Cap H1B Visa revocations.
- 546. Each revocation violates 5 U.S.C. § 706(2)(A) in that:
 - a. They are arbitrary, capricious, an abuse of discretion, and not in accordance with law;
 - b. They are contrary to constitutional right;
 - c. They are in excess of statutory authority, limitations, or short of statutory right;
 - d. They violate procedure required by law; and
 - e. They are unsupported by the record.
- 547. Each revocation violates at least one subpart of § 706(2)(a) because the Agency did not notify Plaintiffs or Plaintiffs' current employers and the Immigration and Nationality Act reflects an intent that the Agency notify the beneficiary or the beneficiary's current employer before issuing a revocation.
- 548. Each revocation also violates at least one subpart of § 706(2)(a) because the Agency

lacks authority to revoke a Cap H1B Visa that has already expired on its own terms because the Agency cannot return that visa number to the cap pool for the appropriate fiscal year.

549. Each revocation also violates at least one subpart of § 706(2)(a) because the Agency gave no Plaintiff notice or opportunity to meaningfully respond to the Agency's allegations.
550. Each revocation also violates at least one subpart of § 706(2)(a) because, upon information and belief, the Agency cannot show that the original petitioner engaged in fraud in each specific Plaintiff's Cap H1B Visa petition.
551. Regardless of the procedure, each revocation is arbitrary and capricious. A final agency action is arbitrary and capricious where:

the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.

Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983).

552. USCIS's revocation arbitrary and capricious because it considered factors Congress did not intend USCIS to consider.
553. USCIS's revocation is arbitrary and capricious because it entirely failed to consider an important aspect of the problem.
554. USCIS's revocation because its rationale runs counter to the evidence in the record.
555. USCIS's revocation because it is so implausible it cannot be the result of Agency expertise.
556. Each revocation violates the APA for other various reasons, which Plaintiffs will only be able to articulate and identify after they receive copies of the revocations.

557. Each revocation must be set aside under the APA.

558. Each revocation is substantially unjustified.

SECOND CAUSE OF ACTION
(Procedural Due Process)

559. Plaintiffs reallege all allegations herein as though restated here.

560. Plaintiffs have a legitimate claim of entitlement to their Cap H1B Visas under the relevant statutes and regulations; Plaintiffs have a cognizable due process interest in their Cap H1B Visas.

561. The Agency violated the Plaintiffs' procedural Due Process rights by revoking their Cap H1B Visas without any meaningful process.

562. The Agency violated Plaintiffs procedural Due Process rights by knowingly sending notices of intent to revoke and final revocations to companies it knew were defunct and using addresses it knew were invalid.

563. Plaintiffs are entitled to pre-revocation notice and opportunity to meaningfully respond.

564. Such notice and opportunity to meaningfully respond would not burden the Agency.

565. The Agency already provides notice and an opportunity for revocations.

566. Its regulations require it for Cap H1B Visas under 8 C.F.R. § 214.12(h)(11)(B)(iii).

567. Plaintiffs are seriously prejudiced by the revocations without notice. It arguably ends their status in the United States.

568. The revocations without notice prejudice Plaintiffs by depriving them of lawful status, work authorization, and the lives they have built in the United States after years of residence.

569. The Agency's revocations violate Plaintiffs' Due Process rights.

570. The Agency's revocations are substantially unjustified under the Due Process clause.

PRAYER FOR RELIEF

- 571. Set aside all revocations that were issued without any notice to Plaintiffs;
- 572. Set aside all revocations that were issued without giving the Plaintiffs a meaningful opportunity to respond;
- 573. Enjoin the Agency from revoking Plaintiffs Cap H1B Visas unless or until the Agency provides each Plaintiff a proper notice and meaningful opportunity to respond;
- 574. Declare it *ultra vires* for the Agency to revoke Cap H1B Visas if the Agency cannot actually return such Cap H1B Visas to the pool for the appropriate fiscal year;
- 575. Declare it unlawful for the Agency to deny any of Plaintiffs' pending H1B Applications from new employers based on its unlawful;
- 576. Enjoin the Agency from acting on any of Plaintiffs' pending applications during the pendency of this suit based on the fact that the Agency has revoked Plaintiffs' initial Cap H1B Visas;
- 577. Order the Agency to pay Plaintiffs' reasonable attorneys' fees and costs under the Equal Access to Justice Act; and
- 578. Order any other relief that justice requires.

March 25, 2019

Respectfully submitted,

s/Bradley B. Baniyas
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Certificate of Service

I declare that I filed the foregoing on the court's electronic filing system, which forwarded an electronic copy to all counsel of record.

March 25, 2019

Respectfully submitted,

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